

AMENDED COMPLAINT

(for filers who are prisoners without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff)

John Emilio Castro

v.

Case Number:

(Full name of defendant(s))

Dr. Smith (D.D.S.)

23-CV-1409
(to be supplied by Clerk of Court)

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

Dshkash Correctional Institution
(Address of prison or jail)

2. Defendant Dr. Smith (D.D.S.)
(Name)

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)

Amended Complaint – 1

and (if a person) resides at Unknown
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Dshkush Correctional Institution
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On or about the date of June 15th, 2022
I was involved in a recreational accident
during my outdoor recreation period. The accident
led me to having pain in my upper jaw
and severe lacerations to my upper lip.
I immediately reported back to my housing
unit where I informed the Unit Sergeant. She
immediately sent me to the Health Services Unit where I
was met by a nurse to whom I explained what
happened and explained the pain in my upper jaw.
I was then sent to Dr. Murphy where I was
examined and I again explained what happened
and again brought up the worsening pain

in my upper jaw. After cleaning up the blood and stitching up the lacerations to the inside and outside of my lip I was sent to Dr. Smith. After being received by Dr. Smith I once again explained what happened in detail and about the now severe pain in my upper jaw. At this point Dr. Smith ordered for X-rays to be done which must have clearly shown a fracture in my upper jaw. Instead of thoroughly examining and/or completely ignoring the X-rays and consulting Dr. Murphy about my serious medical need Dr. Smith recklessly proceeded to begin extracting my teeth for no medical purpose. After Dr. Smith extracted the first tooth the pain in my upper jaw went from being severe to now being extreme and unbearable. The reason being that my jaw was now broken into multiple pieces. I was then sent ~~back~~ to a Trauma Center outside of the Prison. Before leaving Dr. Smith attempted to move my teeth to their original position by hand which left me with an extreme overbite. Due to Dr. Smith's recklessness and/or incompetence my jaw was wired and my bottom row teeth were grinded down to be able to close my mouth correctly because of the disfigurement of my upper jaw that is a direct result of Dr. Smith's actions. I am suing because of deliberate indifference.

Amended Complaint - 3

C. JURISDICTION

☒ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☐ I am suing under state law. The state citizenship of the plaintiff is different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

\$ 750,000.00 for damages (for deliberate indifference)

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 25th day of January 2024.

Respectfully Submitted,



Signature of Plaintiff

571776

Plaintiff's Prisoner ID Number

P.O. Box ~~2310~~ 3310
Oshkosh, WI 54903

(Mailing Address of Plaintiff)